

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

SPOKANE TRIBE OF INDIANS,

Plaintiff/Intervenor,

v.

BARBARA J. ANDERSON, et al.,

Defendants.

No. CV-72-3643-JLQ

**ORDER DENYING STATE OF
WASHINGTON'S MOTION TO
VACATE ORDER**

BEFORE THE COURT is the State of Washington's Motion to Vacate (Ct. Rec. 652) this court's Order Clarifying August 11, 2006 Order entered May 21, 2008 (see Ct. Rec. 650). After entry of the Court's May 21, 2008 Order, the court timely received the State of Washington Department of Ecology's Response to the United States and Tribe's Objection to the Magistrate Judge's Report and Recommendation (Ct. Rec. 653). Having now considered the entire record, including the State's response, the court's clarification of its August 11, 2006 Order will remain the same.

Accordingly, the State of Washington's Motion to Vacate (**Ct. Rec. 652**) is **DENIED** and as ordered previously and finally herein, the State of Washington shall bear 50% of the costs of the USGS studies. The United States and the Spokane Tribe each shall

1 bear 25% of the costs of the USGS studies, unless otherwise agreed by the United States
2 and the Spokane Tribe.

3 **IT IS SO ORDERED.** The clerk shall enter this Order and forward copies per the
4 most recent mailing list.

5 **DATED** this 7th day of July, 2008.

6 s/ Justin L. Quackenbush
7 JUSTIN L. QUACKENBUSH
8 SENIOR UNITED STATES DISTRICT JUDGE
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